



Louisville Metro
Criminal Justice Commission



Summary Report

of the

"STAKEHOLDER PERCEPTIONS OF
SENTENCING & PRETRIAL OPTIONS FOR
MISDEMEANANTS"

October 2010

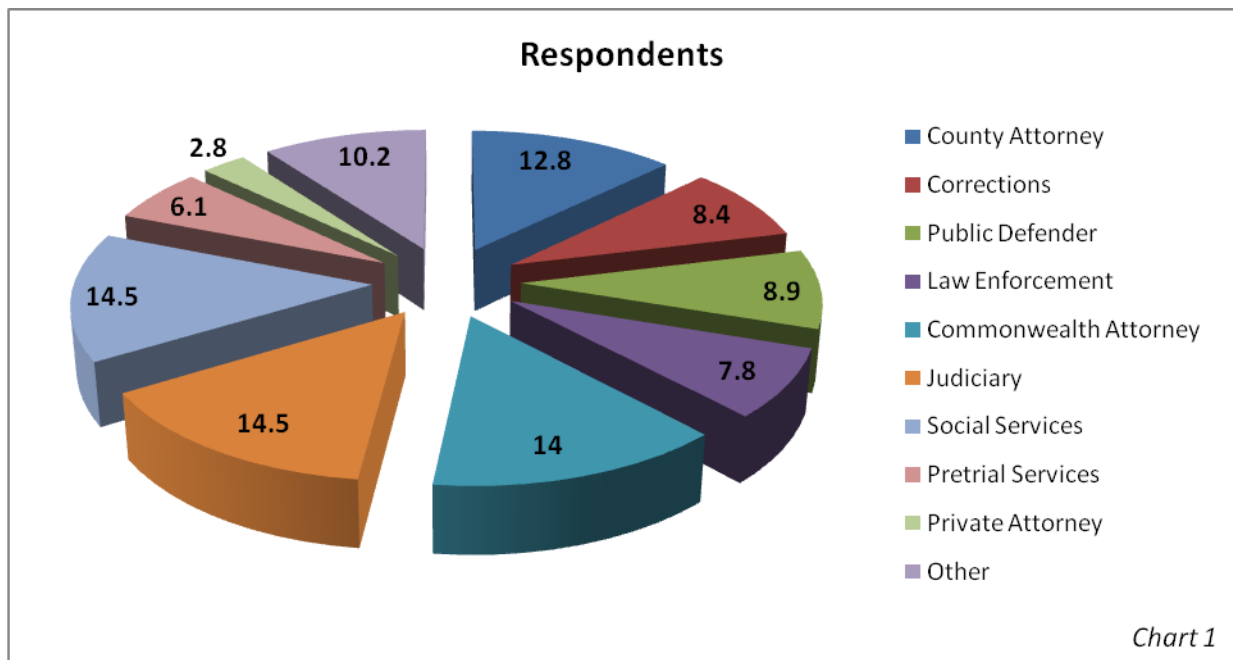
INTRODUCTION¹

In June 2010, the Metro Criminal Justice Commission conducted a survey to determine criminal justice system stakeholder perceptions of sentencing and pretrial options within Metro Louisville. The survey was conducted in support of generally enhanced evidence-based decision-making within Metro Government and specifically, to provide information that would further the goals of Metro Corrections: Vision 2020.

METHODS

The survey contained a number of questions concerning the respondent's perception of various sentencing and pretrial options for misdemeanants including: jail, Home Incarceration, Misdemeanant Intensive Probation, Monitored Conditional Release, Day Reporting, Work Release, the Court Monitoring Center, and Global Positioning System (GPS) as a sentencing enhancement. Survey Monkey was utilized to house and disseminate the survey. A total of 418 email requests were distributed containing the link to the survey located on Survey Monkey and asking the recipients to please take time to respond. Most surveys (247) were sent directly to the recipients while another 171 were distributed with the assistance of the Louisville Bar Association. A total of 179 surveys were completed for a 43 percent response rate.

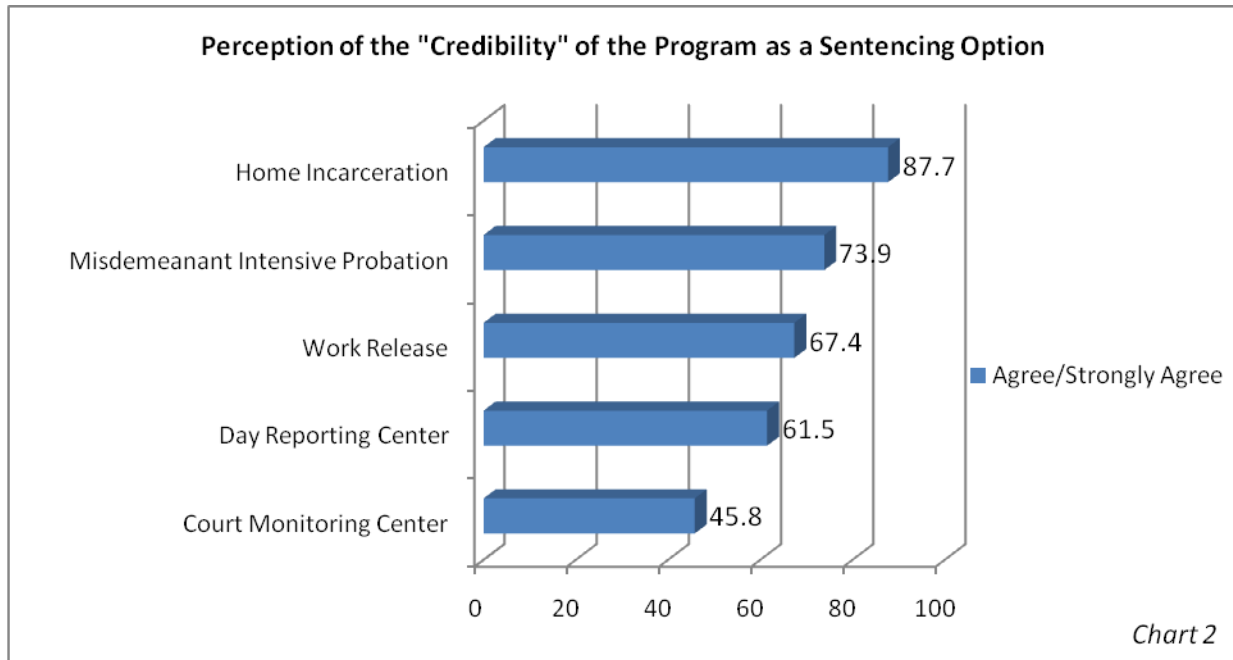
The final sample of respondents consisted of individuals from the full range of criminal justice agencies and relevant service providers. Chart 1 shows the specific distribution of respondents throughout the major criminal justice stakeholder/agency categories.



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FINDINGS

Chart 2 contains information on the percentage of respondents who agreed² that the specific sentencing option had credibility.



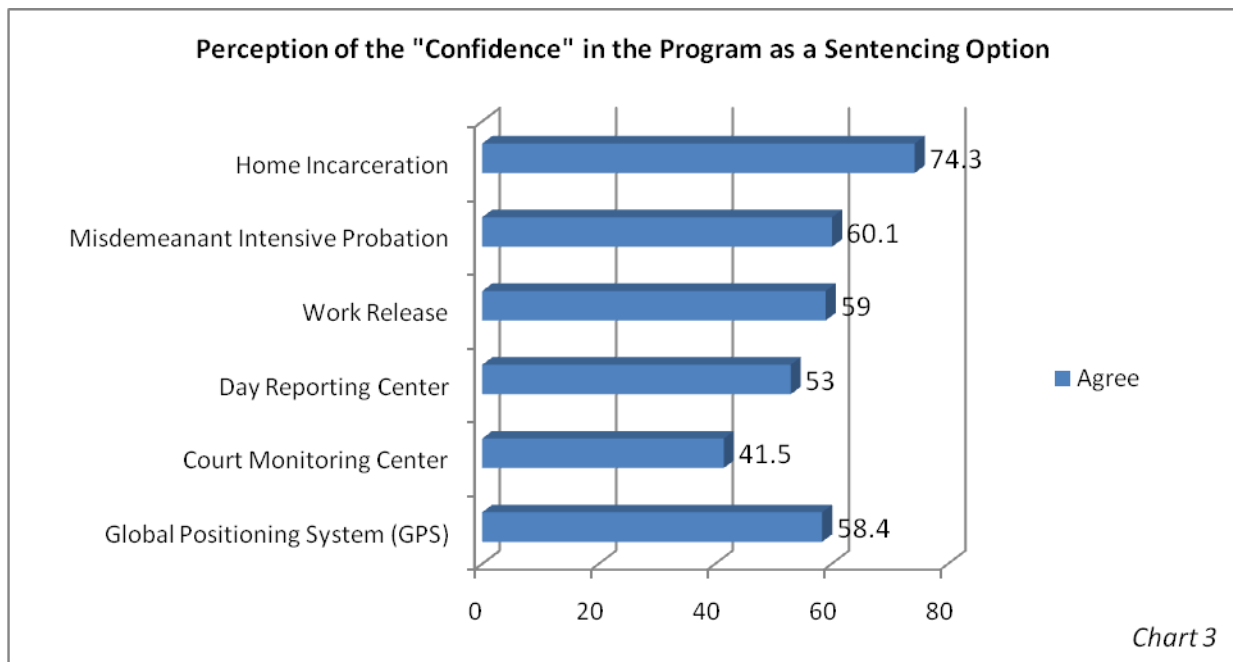
As noted in this chart, all programs were viewed as "credible". A significant majority of respondents (87.7%) agreed that Home Incarceration was a "credible" sentencing option. This option was followed in rank order of "perceived credibility" by: Misdemeanant Intensive Probation (73.9%), Work Release (67.4%), Day Reporting Center (61.5%), and the Court Monitoring Center (45.8%).

Similarly, when respondents were asked to rate the credibility of pretrial options, a significant number of individuals agreed or strongly agreed that Home Incarceration was a "credible" pretrial option (89%), followed by Work Release (68.1%), and the Monitored Conditional Release Program (54.2%). Once again, while all the options were viewed as "credible", Home Incarceration was most often defined as such by a clear majority of respondents.

Chart 3 contains the findings related to the percentage of respondents who agreed³ that they had confidence in the specific sentencing option. As noted in this chart, a significant percentage of respondents reported they agreed they had "confidence" in Home Incarceration (74.3%) as a sentencing option. This was followed in rank order of "agreement" by: Misdemeanant Intensive Probation (60.1%), Work Release (59%), GPS Enhancement (58.4%), Day Reporting Center (53%), and the Court Monitoring Center (41.5%).

² The percentage of those who "agreed" includes both those who responded "agree" or "strongly agree" to the survey item.

³ The percentage of those who "agreed" includes both those who responded "agree" or "strongly agree" to the survey item.



Interestingly, the perceptions of “confidence” in these programs reflect lower levels of “agreement” than the perceptions of program “credibility”. Nonetheless, overall reports of confidence in the sentencing options was positive ranging from 40 to 74 percent of the respondents reporting they had confidence in the program.

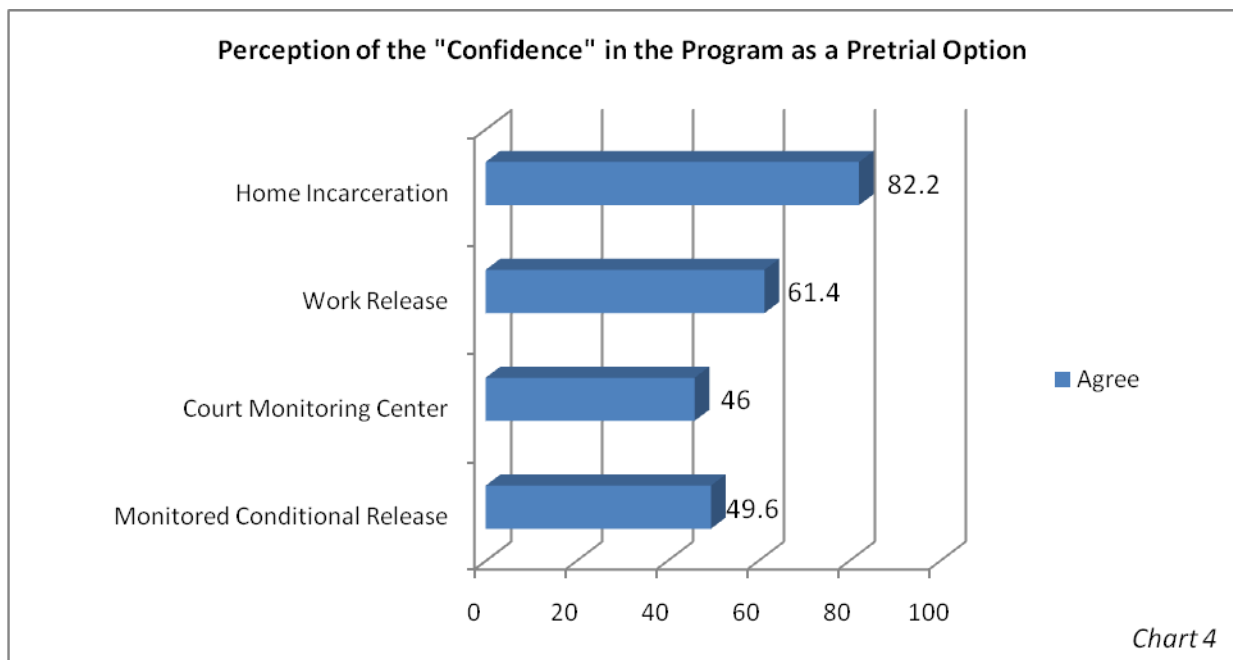
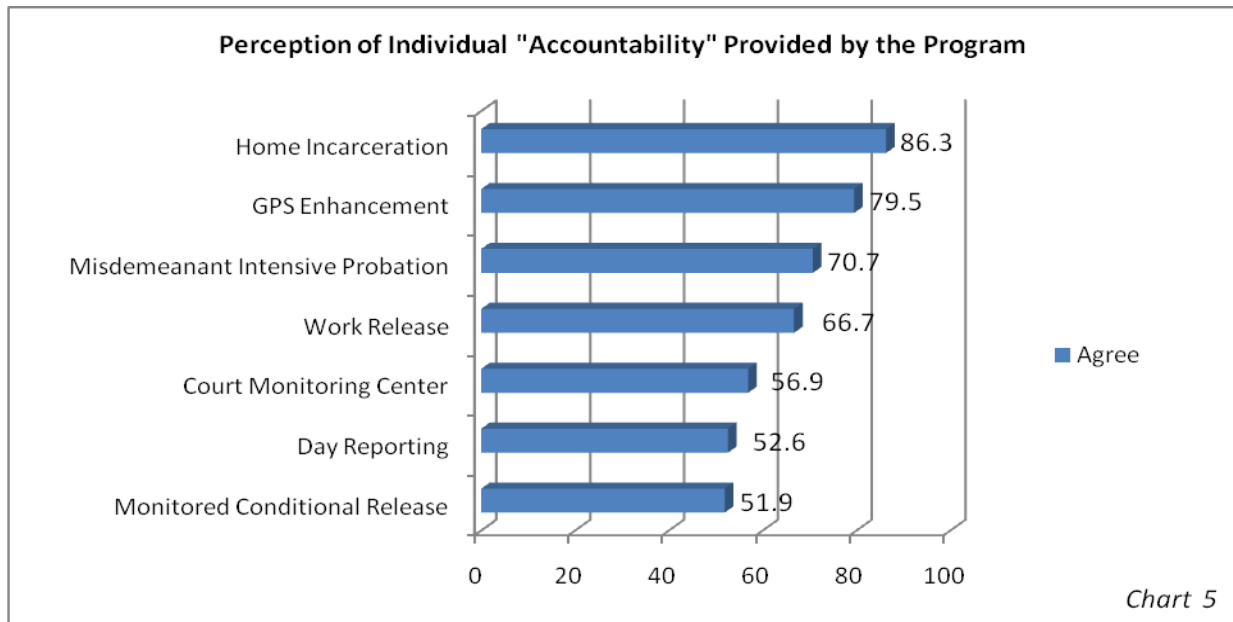


Chart 4 contains similar perceptions for the programs that provide pretrial placement options. As has been consistent through the prior stakeholder ratings of the various programs, the Home Incarceration program has the largest percentage of respondents who report they have “confidence” in this program as a pretrial placement option (82.2%). This level of confidence is significantly higher than that of other pretrial options though approximately half or more of the

respondents reported they have confidence all these programs. Specifically, more than half (61.7%) reported “confidence” in the Work Release program while approximately one half (49.6%) reported confidence in the Monitored Conditional Release Program and the Court Monitoring Center (46%).

While credibility of and confidence in programs have a significant influence on overall stakeholder perceptions of sentencing and pretrial options, program accountability is, yet another, significant dimension of stakeholder perceptions that influences general attitudes toward sentencing and pretrial options. As such, respondents were asked whether or not they believed the existing programs provided accountability for individuals sentenced/placed into the program(s). Chart 5 contains the findings to this portion of the survey.



As shown in this chart, Home Incarceration (86.3%) and GPS Enhancement (79.5%) were perceived as programs providing for “offender” accountability by the greatest percentage of respondents. Misdemeanant Intensive Probation (70.7%) and Work Release (66.7%) were viewed as imposing “accountability” by a smaller majority of respondents. These programs were followed in rank order of perceived accountability for “clients” by the Court Monitoring Center (56.9%), Day Reporting Center (52.6%) and the Monitored Conditional Release Program (51.9%). Overall, all programs were viewed as providing for accountability among their placements in that one-half or more of the respondents reported they believed all programs held individuals accountable. It is also interesting to note that the two programs (Home Incarceration and GPS Enhancement) which provide for monitoring of offenders via a combination of “people” and “technology” received the highest accountability ratings.

Other findings from the survey include:

- A majority (79.5 %) of the respondents agreed that GPS would enhance the accountability of “individuals ordered to use this technology”.
- Slightly more than half (57.2%) of the respondents agreed that the Court Monitoring Center should be available as a means of monitoring any individual in pretrial status.

- Approximately one-third of the respondents (35.2%) agreed that Misdemeanant Intensive Probation is best utilized for domestic violence and/or DUI sentences.

Lastly, respondents were asked to rank the various programs on a continuum of restrictiveness. A six-point scale was used for this ranking with 6 being the “most” restrictive and 1 being the “least” restrictive. The average restrictiveness scores for each of the options – sentencing and pretrial – are contained in Table 1.

Perceptions of the Rank-Order of Restrictiveness of Sentencing and Pretrial Options

OPTION	PRETRIAL	SENTENCING
Jail	4.76	4.86
Home Incarceration	3.12	3.32
Work Release	2.2	2.63
Misdemeanant Intensive Probation		2.44
GPS Enhancement	2.27	
Day Reporting Center	1.28	1.78
Monitored Conditional Release	1.32	

Table 1

As shown in Table 1, Jail was deemed both the most restrictive sentencing and pretrial option. This was followed in rank order of restrictiveness for pretrial placements by: Home Incarceration, Work Release, GPS Enhancement, and the Day Reporting Center and Monitored Conditional Release Program. Among the sentencing options, as noted previously, Jail was perceived as the most restrictive followed in rank order by: Home Incarceration, Work Release and Misdemeanant Intensive Probation, and Day Reporting. And, while there were variations in the specific restrictiveness scores, the rank order of the options that serve as both a sentencing and pretrial option did not differ within the two categories. Specifically, Home Incarceration was followed in rank order by both Work Release and Day Reporting within both the pretrial and sentencing programs.

Perceived Program Effectiveness

Jail	3.9
Home Incarceration	3.15
Misdemeanant Intensive Probation	3.07
Work Release	2.6
Monitored Conditional Release	2.28

Table 2

A final dimension of attitudes toward these sentencing and pretrial options is effectiveness. Table 2 contains the respondents’ perceptions of the effectiveness of each of the sentencing and pretrial options.

As shown in Table 2, when respondents were asked to rate the effectiveness of each the programs, using a 6-point scale, none of the options were rated as “highly effective” in that on a six-point scale, the highest rating was 3.9 or 65% of the total possible points. Jail was rated as the “most effective” with a score of 3.9. This was followed, in rank order of effectiveness by: Home Incarceration (3.15), Misdemeanant Intensive Probation (3.07), Work Release (2.6), and Monitored Conditional Release (2.28).

Table 3
Perceptions of Restrictiveness and Effectiveness

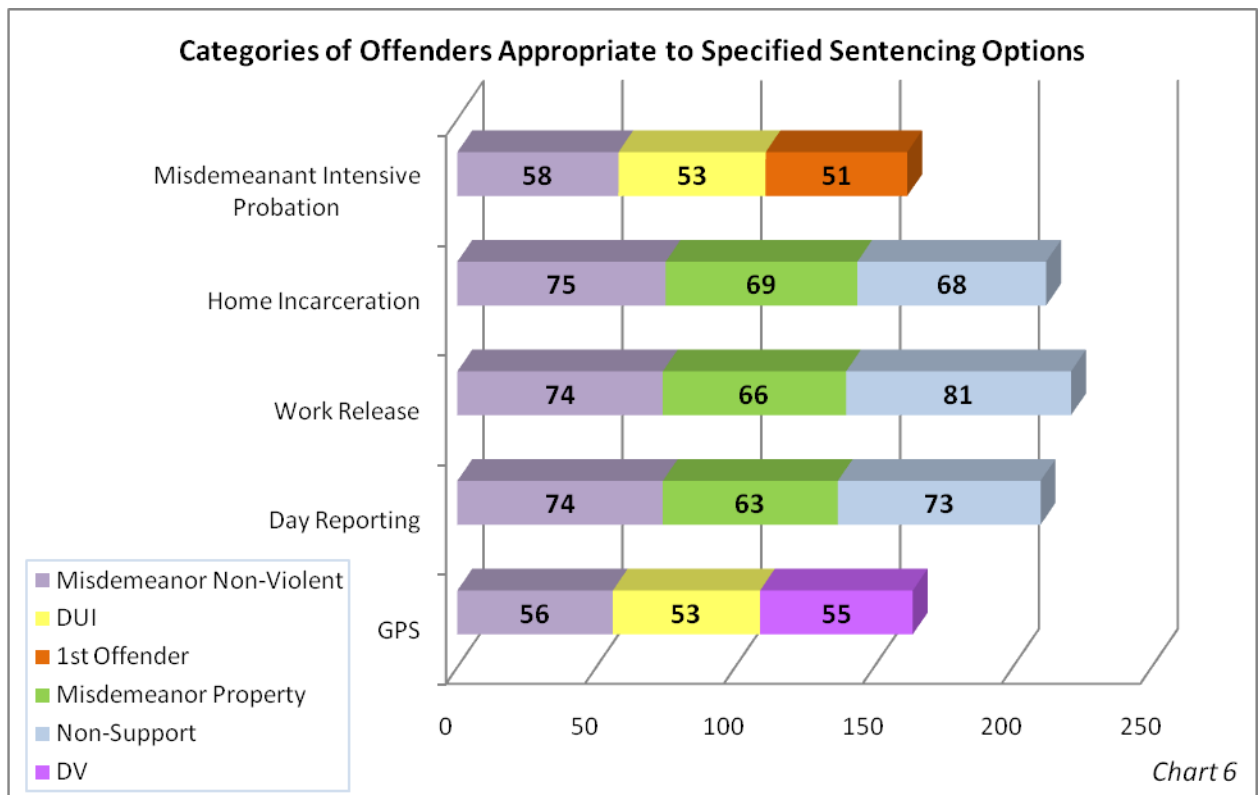
<u>Sentencing/Pretrial Option</u>	<u>Restrictiveness Sentencing</u>	<u>Restrictiveness Pretrial</u>	<u>Effectiveness</u>
Jail	4.86	4.76	3.9
Misdemeanant Intensive Probation	2.44		3.07
Work Release	2.63	2.20	2.6
Monitored Conditional Release		1.32	2.28
Home Incarceration	3.32	3.12	3.15

Table 3

Table3 compares the perceived restrictiveness and perceived effectiveness ratings of each option. Interestingly, the other options have relatively comparable restrictiveness and effectiveness ratings, Jail, while considered the most restrictive and the most effective, has a significantly lower rating for effectiveness compared to its average score for restrictiveness. Similarly, while Monitored Conditional Release received an overall average effectiveness score of 2.28, the restrictiveness score for this option is much lower, 1.32. The variation in the effectiveness and restrictiveness scores for two of the five options suggests that effectiveness and restrictiveness are not necessarily related in stakeholder perceptions of all sentencing options.

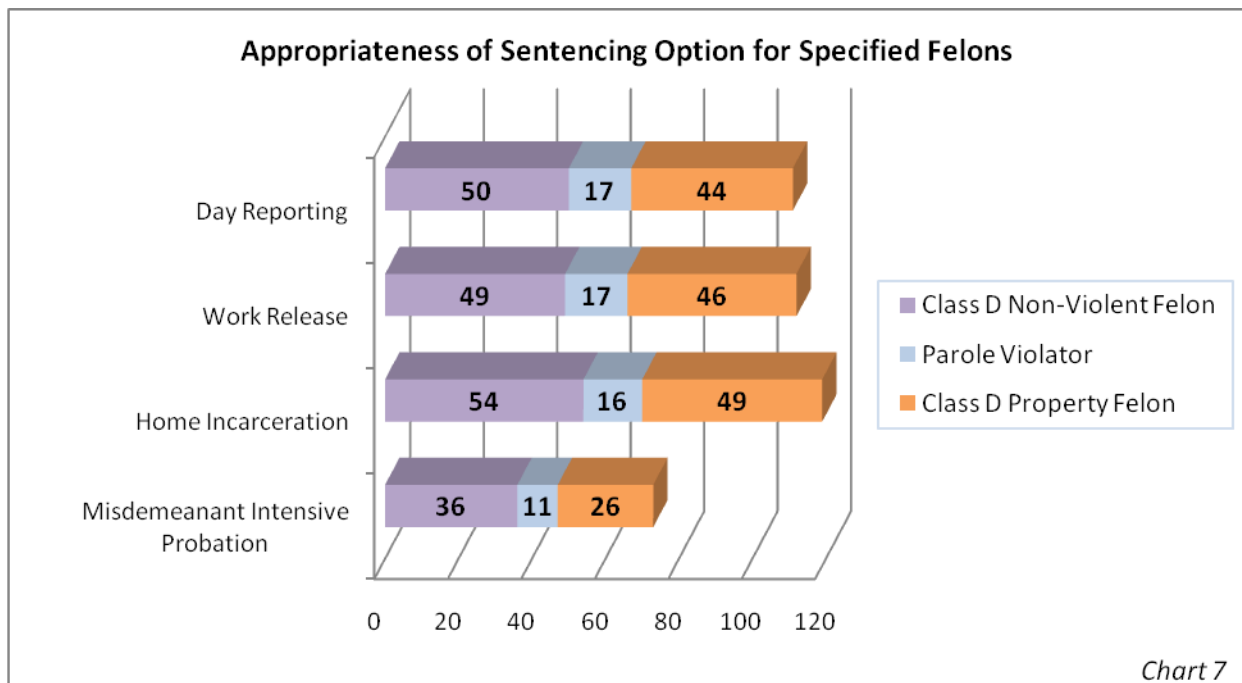
Respondent perceptions of the appropriateness of specific types of offenders for each of the sentencing options were also assessed in the survey. Respondents were asked to indicate, using a list of various types of offenders which of the offenders were most appropriate for specific sentencing options. The types of offenders included: Misdemeanant Violent Offender, Misdemeanant Non-Violent Offender, Misdemeanant Property Offender, First Time Offender, Repeat Offender, Class “D” Non-Violent Felon, Probation Violator, Parole Violator, DUI Offender, DV or DV-Related Offender, Non-Support Offender, and Class “D” Property Felon. Chart 6 contains these findings using the three most frequently identified types of offenders for each of the sentencing options.

Overall, Non-Violent Misdemeanant Offenders were most often listed as one of the three most appropriate types of offenders, across all five sentencing options. Misdemeanant Property Offenders and non-Support offenders were most often in the top three most appropriate offenders for the Day Reporting Center, Work Release and Home Incarceration sentencing options. DUI Offenders were identified as most appropriate for sentencing options involving a GPS enhancement and for Misdemeanant Intensive Probation. Lastly, Domestic Violence Offenders were identified as most appropriate for sentencing with a GPS enhancement and First Offenders or Misdemeanant Intensive Probation.



The greatest consensus among respondents for appropriate sentencing options was that for the placement of Non-Support offenders in Work Release, 81 percent of the respondents identified these offenders as “most appropriate” for this option. This is followed by consensus that Misdemeanant Non-Violent Offenders were “most appropriate” for Home Incarceration (75%), Work Release (74%), and the Day Reporting Center (74%). Similarly, a significant majority of respondents agreed that Non-Support (73%) offenders would be appropriately placed if sentenced to the Day Reporting Center (73%).

As shown in Chart 7, a significant percentage of respondents consider selective categories of felony offenders as appropriate placements within the community-based sentencing options. This is especially the case for Class D Non Violent Felons who were deemed as “appropriate” candidates for Day Reporting (50%), Work Release (49%), and Home Incarceration (54%). Additionally, another approximate half of the respondents (49%) reported that Class D Property Felons would be appropriate candidates for Home Incarceration. Parole violators were identified as appropriate for the sentencing options least often. Home Incarceration, Day Reporting and Work Release were the options respondents were most likely to deem as appropriate for the specific felons while Misdemeanant Intensive Probation was least likely to be identified as an appropriate option for these felons.



Recommendations for Improvements to Sentencing/Pretrial Options

SENTENCING OPTION

RECOMMENDATION	Day Reporting	Monitored Conditional Release	Work Release	Home Incarceration	Misdemeanant Intensive Probation
Supervision	82.0	60.9	65.7	53.8	40.0
Treatment	77.9	45.2	31.4	40.8	53.3
Case Management	73.8	53	45.3	39.2	32.6
Job Referral/Training	82.8		81.8		
Communication with the Courts	73.8		54.0		
Transportation	49.2		43.1		
Options for Violations		54.8		44.0	39.3

Table 4

As shown in Table 3, respondents reported a variety of recommendations to improve the effectiveness of the five sentencing options. Enhanced Supervision was recommended by the greatest percentage of respondents across all of the sentencing options. Similarly, a significant percentage of respondents recommended Enhanced Treatment and Case Management across all the sentencing options.

Those sentencing options which provide for/require employment or a search for employment for offenders (Day Reporting and Work Release) prompted a significant response for Enhanced Job Referral/Training. Improved Communication with the Courts was recommended by a significant percentage of respondents for Day Reporting and Work Release. Lastly, Enhanced Options for Violations, i.e., options in lieu of re-incarceration, were recommended for the Monitored Conditional Release, Home Incarceration and Misdemeanant Intensive Probation.

Interestingly, the greatest percentage of respondents made multiple recommendations for “improvements” to Day Reporting, a proposed option that is not currently operational. However, as a new option, these recommendations were made as suggestions for items which should be addressed during the implementation of this program. Overall recommendations suggest that the respondents believe that closer supervision of offenders and management of offender cases, greater access to support services (treatment, job referral, transportation) and communication with the courts are critical to the delivery of effective sentencing options.

CONCLUSIONS

Overall, in Metro Louisville, the existing sentencing and pretrial options were viewed favorably by one-half or more of the stakeholder respondents. Specifically, the stakeholders reported they had confidence in the options, perceived of the options as credible alternatives, defined the options as generally able to hold offenders accountable and as effective, to some degree. Interestingly, only a slight relationship was found between ratings of restrictiveness and effectiveness based on stakeholder perceptions of the various programs/options.

Home Incarceration was the sentencing/pretrial option with consistently the greatest positive response from stakeholders. This is possibly due to the coupling of “people” and “technology” in offender oversight within this program.

Generally, non-violent misdemeanants were the preferred “placement” within the community-based sentencing options. Perhaps the most surprising finding was the relatively high (50% or more) percentage of respondents who would consider low-level property or low-level non-violent felons as appropriate clientele for these placements.

SUMMARY

In conclusion, general perception of the sentencing options available and proposed within Metro Louisville is positive. The options that combined technology with more traditional supervision, Home Incarceration, was viewed the most positively though no sentencing option received lower than a 42% perception rating. While jail was viewed by respondents as the most restrictive and most effective sentencing option, the community placement options received significant support in terms of the stakeholders’ perceptions of their effectiveness and ability to hold individual offenders accountable.

While currently the community-based sentencing options are used only for misdemeanants, a significant percentage of respondents reported that options such as Home Incarceration and Work Release could be used for felons and specifically for Class D Non Violent and Class D Property Felons. Support was also evident, though in significantly lower numbers, for use of community-based options for parole violators. GPS was the option with the greatest support for placement of parole violators – 28 percent of the respondents believed that parole violators would be appropriate for placement in this option.